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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,255	01/30/2006	Akito Fukui	L9289.06108	3522

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EXAMINER

ANWAR, MOHAMMAD S

ART UNIT	PAPER NUMBER
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2416

MAIL DATE	DELIVERY MODE
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08/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,255	Applicant(s) FUKUI, AKITO	
	Examiner MOHAMMAD ANWAR	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/09 has been entered.

Response to Arguments

2. Applicant's arguments filed on 6/8/09 have been fully considered but they are not persuasive. Please see response to applicant arguments below:

In response to applicant arguments, claim 4 now defines a packet communication method in which a serving general packet radio service support node (SGSN) receives information related to an internal server access, which is transmitted from a mobile communication terminal apparatus through a base station apparatus and a radio network control apparatus (see newly cited reference Koshino et al. U.S. Patent No. 7,363,341 B2).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 4, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujino (U.S. Patent No. 7,319,676 B2) in view of Koshino et al (U.S. Patent No. 7,363,341 B2)

For claims 4, 7, 8 and 9, Fujino discloses an operator communication apparatus that performs communications with the user communication apparatus (see Figure 1, 11, 12, 13); and a communication network that performs communications with both the user communication apparatus (see Figure 1, 15-20) and the operator communication apparatus, wherein: the user communication apparatus comprises: an internal network; a base station apparatus connected to the internal network (see

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column 4 lines 65-67); a radio network control apparatus connected between the internal network and the operator communication apparatus (see column 4 lines 65-67); and a mobile communication terminal apparatus that performs communications with the base station apparatus by radio signals (see Figure 1 (19, 20), mobile station) and the operator communication apparatus comprises: a serving general packet radio service support node (see Figure 1 (13,14), SGSN) connected to the radio network control apparatus through a relay network; and a gateway general packet radio service support node connected between the serving general packet radio service support node and the communication network and wherein (see Figure 1 (12), GGSN); a) in the serving general radio packet radio service support node, a receiving step of receiving information related to internal server access transmitted from the mobile communication terminal apparatus, through the base station apparatus, and the radio network control apparatus (see column 9 lines 15-24). Fujino discloses all the subject matter but fails to mention an internal server connected to the internal network and

b) in the radio network control apparatus, a transfer step of receiving a packet transmitted from the mobile communication terminal apparatus through the base station apparatus and the internal network and directly transferring the packets to the internal server through the internal network. However, Koshino et al. from a similar field of endeavor disclose an internal server connected to the internal network (see Figure 1, 40, local content server) and

b) in the radio network control apparatus, a transfer step of receiving a packet transmitted from the mobile communication terminal apparatus through the base station

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apparatus and the internal network and directly transferring the packets to the internal server through the internal network (see column 2 lines 26-34). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include the Koshino et al. internal transfer scheme into Fujino data transfer scheme. The method can be implemented in a mobile network. The motivation of doing this is to control contents delivery via private network instead of going through core network so the user do not have to pay an extra amount of fees (see column 1 lines 51-58).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD ANWAR whose telephone number is (571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOHAMMAD ANWAR
Examiner
Art Unit 2416

/M. A./
Examiner, Art Unit 2416

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 2416